

FCC MAIL SECTION

Federal Communications Commission

DA 99-2096

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-208
Table of Allotments,)	RM-9396
FM Broadcast Stations.)	
(Princeton and Elk River, Minnesota))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 29, 1999

Released: October 8, 1999

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Milestone Radio, LLC ("Milestone"), the Commission has before it for consideration the Notice of Proposed Rule Making, 13 FCC Rcd 22806 (1998), requesting the reallocation of Channel 291C2 from Princeton, Minnesota, to Elk River, Minnesota, and modification of the license for Station KLCI to specify Elk River as the community of license. Milestone filed supporting comments in which it reaffirmed its interest in Channel 291C2 at Elk River. No other comments were received in response to the Notice in this proceeding.

2. Based upon the information presented in this proceeding, we believe the public interest would be served by reallocating Channel 291C2 from Princeton, Minnesota, to Elk River, Minnesota, since it would result in a preferential arrangement of allotments pursuant to the Commission's Change of Community procedures. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part ("Change of Community MO&O"), 5 FCC Rcd 7094 (1990). Elk River is the County Seat for Sheburne County, is incorporated, has its own post office and zip code (55330) and a population of 11,143 people according to the 1990 Census. The reallocation of Channel 291C2 to Elk River will serve the needs and interests of the citizens of Elk River, providing a first local service to the community thus fulfilling allotment priority (3) of the Commission's allotment priorities.¹ This action will not deprive Princeton of local service as Station WQPM(AM) is licensed to Princeton. Retention of Channel 291C2 in Princeton triggers priority (4), other public interest matters.

¹ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time service; (3) First local service; and (4) Other public interest matters. [Co-equal weight is given to priorities (2) and (3).] See Revision of FM Assignment Policies and Procedures, 90 FCC Rcd 29 88 (1982).

3. The reallocation proposal is consistent with the requirements set forth in Change of Community, *supra*. As stated in the Notice, there will be no actual decline in service area or number of listeners reached because Station KLCI does not intend to change its transmitter location. Station KLCI will continue to provide a city-grade signal to the residents of Princeton without disruption from its currently authorized site. However, as further stated in the Notice, Station KLCI's current transmitter site is authorized under Section 73.215 of the Rules and the Commission has specifically stated that it does not contemplate the use of directional antennas to create short-spaced allotments at the rule making stage. See Report and Order, MM Docket No. 87-121, 4 FCC Rcd 1681 (1989). Milestone has provided an alternate site, for purposes of this rule making proceeding, which meets the Commission's spacing requirements for the allotment of Channel 291C2 at Elk River. In response to the Notice, Milestone has provided a gain and loss study as well as reception services for the proposed site. A staff engineering analysis confirms that there will be a theoretical gain and loss area for the reallocation of Channel 291C2 from Princeton to Elk River and that those areas currently receive five or more reception services and are considered to be well served. Our analysis also shows that the present KLCI city grade contour encompasses small portions of the Minneapolis-St. Paul Urbanized Area and the St. Cloud Urbanized Area and that the proposed reallocation will not increase coverage to either of these areas. Therefore, Milestone was not required to provide a Tuck showing.²

4. Channel 291C2 can be allotted to Elk River, Minnesota, in compliance with the Commission's minimum distance separation requirements at Milestone's specified site.³ In accordance with Section 1.420(i) of the Commission's Rules, we shall modify the license for Station KLCI to specify operation on Channel 291C2 at Elk River, Minnesota, as its new community of license.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 22, 1999, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Elk River, Minnesota	291C2
Princeton, Minnesota	-----

² If a station requests to change its community of license to one that is outside an urbanized area but whose signal would place a city grade, 70 dBu signal, over 50% or more of an Urbanized Area, the proponent is required to provide the same showings as currently required for those parties seeking to move to a community within an Urbanized Area. See Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995).

³ The coordinates for Channel 291C2 at Elk River are 45-23-00 and 93-48-30.

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Milestone Radio, LLC, for Station KLCI, Channel 291C2, Princeton, Minnesota, IS MODIFIED to specify operation on Channel 291C2 at Elk River, Minnesota, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301);

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, IF THE REQUEST IS GRANTED, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Milestone Radio, LLC, licensee of Station KLCI, is required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license from Princeton to Elk River, Minnesota.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions relating to the application filing process should be addressed to the Audio Services Division, Mass media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

